



U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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LAW DEPARTMENT
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January 18, 2024

VIA ECF

Hon. Valerie E. Caproni
Thurgood Marshall
United States Courthouse
40 Foley Square
New York NY 10007

MEMO ENDORSED

Re: *E.S., et al. vs. NYC Dep't of Educ., 23cv9765(VEC)(OTW)*

Dear Judge Caproni:

I am a Special Assistant Corporation Counsel in the Office of Corporation Counsel, Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiffs seek solely attorneys' fees, costs, and expenses for legal work on administrative proceedings under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.* ("IDEA"), as well as for this action.

Defendant respectfully requests a 90-day extension of the time to respond to the complaint, from January 30 to April 29, 2024. Plaintiffs consent to this request. This is Defendant's first request for an extension. The requested extension will give Defendant's counsel time to complete the City's internal review process—which typically takes approximately 90 days—by reviewing the relevant billing records together with the underlying administrative record, beginning settlement negotiations, and hopefully resolving this matter without the need for a conference or motion practice.

Accordingly, Defendant respectfully requests that Defendant's time to respond to the complaint be extended to April 29, 2024.

Thank you for considering this request.

Respectfully submitted,

/s/ Susan J. Weiswasser

Susan J. Weiswasser
Special Assistant Corporation Counsel

cc: William M. Meyer, Esq. (via ECF)

Application GRANTED IN PART. The deadline for Defendant to answer or otherwise respond to the Complaint is extended from Tuesday, January 30, 2024, to **Monday, April 29, 2024**.

The Initial Pretrial Conference scheduled for Friday, January 26, 2024, at 10:00 A.M. is adjourned to **Friday, May 3, 2024, at 10:00 A.M.** The parties must provide a joint status update by no later than **Thursday, April 25, 2024**. If the parties are unable to reach a settlement agreement by that date, the status update should also include a proposed briefing schedule for the fees motion.

As the parties indicate that there is no need for discovery, the Court will not enter a case management plan.

The Clerk of Court is respectfully directed to terminate the open motions at Dkts. 11 and 12.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni", is written over the printed name.

1/19/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE